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## FACT SHEET

April 2008

# Violence Against Women Education Project

Domestic violence, sexual assault, and stalking are critical issues facing family, criminal, and juvenile courts in California. The Violence Against Women Education Project (VAWEP) is an initiative designed to provide the courts with information, technical assistance, educational materials, and programs on the courts' role in responding to cases involving these issues. VAWEP is a project of the Center for Families, Children & the Courts (CFCC) of the Administrative Office of the Courts (AOC) and is being implemented in collaboration with the AOC Education Division/Center for Judicial Education and Research (CJER). The project is funded by the Governor's Office of Emergency Services (OES) with resources from the federal Office on Violence Against Women (OVW). The project's planning committee, composed of judicial officers, prosecutors, defense attorneys, attorneys with expertise in the field of domestic violence, victim advocates, and other experts, guides the project staff in identifying key training issues and developing appropriate educational programming. Efforts to develop and augment educational events and curricula related to domestic violence, sexual assault, and stalking are ongoing and are designed to be responsive to the identified needs of California courts.

### Project Goals

#### The goals of VAWEP are to:

- Identify primary educational and informational needs of the courts on domestic violence, sexual assault, and stalking issues;
- Initiate new judicial branch educational programming pertaining to domestic violence, sexual assault, and stalking, including the delivery of regional training events and the enhancement of existing programming;
- Develop and compile useful information for the courts on domestic violence, sexual assault, and stalking issues that relates specifically to California law;

- Institutionalize inclusion of domestic violence, sexual assault, and stalking issues in all relevant judicial branch education curricula, programs, and publications;
- Create incentives to increase attendance and participation in judicial branch education relating to domestic violence, sexual assault, and stalking;
- Increase communication among courts about best practices in domestic violence, sexual assault, and stalking cases;
- Provide jurisdiction-specific technical assistance on domestic violence, sexual assault, and stalking issues of the greatest importance to local courts; and
- Create educational tools that aid in the administration of justice for self-represented litigants in domestic violence cases.

#### Educational Events and Technical Assistance

**Domestic Violence–Related Courses at the Continuing Judicial Studies Program (CJSP) (January and August 2008) and Family Law and Criminal Law Overview Courses (November 2007, January, May, and September 2008)**

VAWEP develops, staffs, and sponsors a series of in-depth courses on domestic violence and sexual assault that are integrated into these showcase programs of CJER.

#### **Continuing Judicial Studies Program (CJSP)**

Winter CJSP:	Criminal Procedure in Domestic Violence Cases
January 2008	Immigration Issues in Criminal Domestic Violence

These two courses make up a full-day program for judicial officers assigned to a criminal department or a specialized domestic violence criminal calendar. The first course focuses on the nuts and bolts of criminal procedure in domestic violence cases. This basic course enables a bench officer to handle a criminal domestic violence case from the arraignment stage through supervision on probation and also focuses on common problematic issues confronting the trial court. Building on that basic foundation of criminal procedure, the second course is dedicated to special problems related to immigration issues. These issues increasingly affect judicial decisionmaking, the nature of information presented to the court, and safety issues. The course provides a broad overview of the elements of immigration law that may affect decisions in these cases and an understanding of the challenges facing victims of domestic violence as a result of the immigration concerns and status of the parties.

Summer CJSP:      Handling Elder Abuse Issues  
August 2008      Handling Sexual Assault Cases

Elder abuse cases can arise in virtually any department of the superior court. This 2.5-day course, developed in partnership with CJER, helps the judicial officer become familiar with elder abuse in its various court settings and highlights the relevant underlying law and procedure. The course helps participants gain an awareness and understanding of the dynamics of elder abuse cases, the needs of the victim and appropriate accommodations, and myths and misconceptions about elder abuse victims and offenders.

Sexual assault cases require the judicial officer to be familiar with a unique body of substantive and procedural law that is not necessarily applicable in other criminal cases. The judicial officer must also be aware of and understand the dynamics of sexual assault cases, the needs of the victim and specially mandated accommodations, and myths and misconceptions about sexual assault victims and offenders. This 2.5-day course emphasizes these key issues and guides the judicial officer through managing a sexual assault trial from arraignment through sentencing and postsentencing procedures.

#### **Overview Courses**

The AOC offers week-long programs in family law and criminal law designed for judicial officers new to the relevant assignment. These courses are sometimes offered at stand-alone overview programs and in conjunction with CJSP. The project is pleased to include domestic violence-related programming during each of the four scheduled criminal law and family law overview programs. Generally the Family Law Overview includes courses on the effects of domestic violence on children and an overview of domestic violence law. The Criminal Law Overview includes a segment on domestic violence criminal law procedure. The following overview courses are offered during the grant cycle.

November 2007      Criminal Law Overview  
                            Family Law Overview  
                            San Francisco

January 2008      Criminal Law Overview  
                            Family Law Overview  
                            Monterey

May 2008      Criminal Law Overview  
                            Family Law Overview  
                            San Francisco

September 2008      Criminal Law Overview  
Family Law Overview  
San Francisco

**Domestic Violence Judicial Institute (January 2008)**

The project uses an interdisciplinary curriculum developed by the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund to present an educational institute based on the curriculum. The institute includes workshops on fact-finding, judicial officers' roles in a community response to domestic violence, fairness and cultural issues in domestic violence cases, decisionmaking skills and enforcement, victim behavior, and perpetrator behavior. The institute also includes sessions designed to engage judicial officers in practical courtroom exercises addressing the complexity of domestic violence cases and the specific issues facing California courts.

The project also offers a pre-institute workshop to address the “nuts and bolts” of California law in domestic violence cases. The pre-institute workshop provides a judge new to a criminal or family law assignment with the basics of domestic violence cases, focusing on common errors, unique features, and “hot spots.” Issues arising in criminal domestic violence cases include emergency protective orders, pretrial release and bail, criminal protective orders issued both pretrial and as a mandatory condition of probation, sentencing, review hearings, and probation violations. Issues related to family law include statutory requirements for restraining orders, firearms issues, and cross-over issues such as avoiding conflicting orders.

**Judicial Institute Trainings (March, April, and May 2008)**

Domestic violence-related courses are included as part of the Juvenile Law Institute in March, the Family Law Institute in April, and the Cow County Judges Institute in May. The project also supports courses given at the Family Dispute Resolution (FDR) Statewide Conference in April. These Judicial Institute trainings and educational events provide information specific to target audiences. For example, the Cow County Judges Institute is specifically designed for rural judges, and the Family Law Institute is for judicial officers assigned to family law cases. The detailed course descriptions follow.

**Juvenile Law Institute, March 2008**

*Effects of Domestic Violence on Child Development.* This course includes an examination of the effects of domestic violence on children at various stages

of development and an analysis of the significance of these effects from the perspective of the judicial officer in the juvenile court.

*Differential Assessments and Effective Services: Domestic Violence and Co-occurring Issues.* This course equips the judicial officer to assess the extent and nature of domestic violence and other co-occurring issues such as substance abuse and emphasizes orders for effective services for these families.

*Evaluation and Risk Assessment When Domestic Violence Is an Issue—What About the Child?* This course provides program participants with tools for evaluating court-ordered treatment and services for families affected by domestic violence, and in cases where the child has been removed, determining when or whether it is safe for the child to return home.

Family Law Institute, April 2008

*Crafting Custody Orders in Domestic Violence: What Kids Need.* This course focuses on the difficult custody decision when domestic violence is a factor. It includes information about the statutory requirements judicial officers must consider, how to enhance safety and provide for appropriate contact, ways to assess the child's response to domestic violence in a particular case, and options to consider when resources are limited.

*Domestic Violence Restraining Orders Best Practices—Revisited.* Guidelines and practices developed by the Judicial Council's Domestic Violence Practice and Procedure Task Force have been approved. This workshop focuses on practical applications of the recommended practices and ways to improve information for decisionmaking.

Family Dispute Resolution, April 2008

*Fairness and Cultural Issues in Domestic Violence Cases.* Designed for family law judicial officers and family dispute professionals, this course delineates a methodology for analyzing cultural issues as they occur in domestic violence cases. The goal of the course is to present a practical way of thinking about culture that will assist in mediating and adjudicating cases involving a diverse population.

Cow County Judges Institute, May 2008

*Judicial Decisionmaking in Sexual Assault Cases.* This course focuses on the unique statutory procedures related to the handling of sexual assault cases during pretrial, trial, and posttrial sentencing. The course also offers a review of relevant procedures under the sexually violent predator law.

*Handling Elder Abuse Issues.* This course, newly developed for this year in partnership with CJER, concerns elder abuse cases and the various settings in which they may arise. The course covers criminal law, probate, conservatorship, and restraining order issues relating to elder abuse. Faculty also addresses the dynamics of elder abuse and an understanding of the family dynamics that are prevalent in these cases.

#### **Domestic Violence and Sexual Assault Courses, Judicial College (June 2008)**

Three courses on issues of domestic violence are part of the nationally recognized B. E. Witkin Judicial College of California, a program providing comprehensive education for all new superior court judges, commissioners, and referees. The courses provide background information on domestic violence, guidance for judicial decisionmaking in sexual assault cases, and an overview of domestic violence in family law cases. The courses include:

*Domestic Violence Awareness.* This course provides a general understanding not only of the “nuts and bolts” of domestic violence laws, but also of the dynamics of domestic violence. The course emphasizes laws uniquely applicable in domestic violence trials; the mechanics of issuing, modifying, and terminating criminal and civil restraining orders; and practical problems that arise in sentencing in domestic violence cases.

*Domestic Violence Issues in Family Law Cases.* This course alerts judicial officers to the domestic violence issues that arise in family law cases. Among other topics, the course emphasizes the statutory presumption based on a history of domestic violence under Family Code section 3044 and how to craft custody and visitation orders in the best interest of the child when domestic violence is an issue in the case.

*Criminal Sexual Assault.* This course considers issues unique to trials involving sex crimes. Topics include juror selection, experts, selected evidentiary statutes, and procedures for victim protection.

#### **Domestic Violence Safety Partnership Program (Ongoing in 2008)**

Under the auspices of the Domestic Violence Safety Partnership (DVSP) project, VAWEP provides targeted, local technical assistance to applicant courts that have an identified need for training. DVSP distributes a self-assessment tool that enumerates required procedures and recommended practices and provides training and technical assistance based on the issues identified. In the past, VAWEP has received many requests from courts about specific information needs, which can range from understanding warning signs for lethality in domestic violence cases to improving communication between the many types of courts that may be involved in a particular

case. To date, DVSP has provided to trial courts more than 30 instances of technical assistance or local educational support.

The project provides experts whose specialties vary based on the need of the specific court. This assistance is accomplished by delivering a substantive expert to speak to the issues at hand, providing speakers at AOC trainings with expertise in issues related to violence against women, or facilitating a peer-mentoring meeting in which courts come together to learn about individual best practices. Recipients of this assistance are asked to evaluate what they have received.

### Curriculum Development and Publications

#### **VAWEP distributes the following curricula, publications, and other resource materials:**

##### *Judges Guide to Domestic Violence Cases—Revised 2007*

VAWEP updates the judges' guide as needed. This practical judges' handbook covers the following components:

- Emergency Protective Order (EPO) Quick Reference Guide
- California Protective Orders
- Firearms and Full Faith and Credit
- Immigration and Domestic Violence
- Stalking

The five components of this guide have been consolidated into one volume for easy reference and accessibility. They can also be used separately and are updated separately. Each component focuses on the information, case law, and statutes that judicial officers need to know in the relevant subject area. Revisions to any component of the guide are posted on a Web site designed for judicial officers.

#### **Domestic Violence Newsletter**

The inaugural issue of the newsletter, *Domestic Violence Update*, was released during the last grant year. The project plans to continue to produce newsletters on a periodic basis to disseminate current information about domestic violence, sexual assault, and stalking to all judicial officers. Future newsletters will include information on new laws and forms, pending legislation, recommended best practices, and a calendar of educational events. The *Domestic Violence Update* newsletter will give readers current information on domestic violence issues in California.

#### **Annual Report and Fact Sheet**

Project staff develops an updated annual report and this fact sheet to highlight key efforts the project has undertaken as well as judicial and court responses to those

efforts. These documents are distributed to provide project information to judicial branch professionals and the public. As educational tools, they focus on suggested practices and innovative approaches.

#### Further Information

For additional information about VAWEP activities, please contact:

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